

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

SIDNEY D. JENKINS, III,
Plaintiff,

vs.

ELDON VAIL, GREG GARRINGER,
JEFF UTTECHT, STEVE
SINCLAIR, STEVE BARKER, JUAN
PALOMO, SANDI JACOBSEN, D.
FEDDERSON, ROBERT PIN, K.
JURGENSON, E. CREWSE,
JERMAINE BROWN, and JEFF
SCHUETZE,

Defendants.

NO. CV-08-5075-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING MOTION FOR
INJUNCTIVE RELIEF, AND DENYING
REQUEST TO RE-NOTE MOTION

Magistrate Judge Imbrogno filed a Report and Recommendation on December 16, 2008 (Ct. Rec. 16), recommending Mr. Jenkins's Motion for Temporary Restraining Order (Ct. Rec. 5) be **DENIED**, as Plaintiff had not yet filed a legally sufficient complaint and named Defendants were not yet parties to this suit. Rather than filing objections, Mr. Jenkins filed a document titled, "Answer to Report and Recommendation, and Request to Re-note Motion for Temporary Restraining Order and Preliminary Injunction" (Ct. Rec. 20), along with an Amended Complaint (Ct. Rec. 19).

The Magistrate Judge's recommendation was made on the basis of
ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING MOTION FOR
INJUNCTIVE RELIEF, AND DENYING REQUEST TO RE-NOTE MOTION -- 1

1 the initial complaint and Mr. Jenkins's motion filed November 6, 2008.
2 This court will not alter that recommendation based on subsequently
3 filed documents. There being no actual objections to the Magistrate
4 Judge's recommendation, the court **ADOPTS** the Report and Recommendation
5 in its entirety.

6 **IT IS ORDERED** Plaintiff's Motion (Ct. Rec. 5) is **DENIED without**
7 **prejudice.** **IT IS FURTHER ORDERED** the request to re-note that Motion
8 (Ct. Rec. 5) for hearing on February 23, 2009 is **DENIED as moot.** Mr.
9 Jenkins is free to file a new and separate motion for injunctive
10 relief if he so chooses. He must comply with the requirements that he
11 properly note any future motion for hearing under LR 7.1, Local Rules
12 for the Eastern District of Washington.

13 **IT IS SO ORDERED.** The District Court Executive is directed to
14 enter this Order and forward copies to Plaintiff and to Assistant
15 Attorney General Mary C. McLachlan.

16 **DATED** this 9th day of January, 2009.

17
18 ***s/Lonny R. Suko***

19 _____
20 LONNY R. SUKO
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26
27